

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Criminal No. 10-cr-177-JD

Dennis Cookish

O R D E R

Dennis Cookish pled guilty to bank fraud and was sentenced to fifty-one months imprisonment. Judgment was entered on April 11, 2011. On August 11, 2011, Cookish filed a pro se "Motion for Appropriate Relief," asking the court to make corrections to his presentence investigation report. The government objects to Cookish's motion.

Cookish contends that certain sex offenses should not have been included in his presentence report. He represents that he told his counsel that those offenses should not have been in the report, but she advised him that it would not affect his sentence and, therefore, did not object. Cookish states that although the offenses did not affect his sentence, the Bureau of Prison has classified him as a sex offender, which has caused him to be housed at a facility for sex offenders and may result in a civil commitment following completion of his sentence. Cookish also filed a petition for relief under 28 U.S.C. § 2255, which is

docketed as Cookish v. United States, 11-cv-399-JD (D.N.H. Aug. 11, 2011).

Objections to a presentence report are governed by Federal Rule of Criminal Procedure 32(f). A defendant must provide a written objection to a presentence report within fourteen days after receiving it. Fed. R. Crim. P. 32(f)(1). The court lacks jurisdiction to consider a postsentence motion to correct a presentence report. United States v. Anquilo, 57 F.3d 38, 41 (1st Cir. 1995); United States v. Alexander, 353 Fed. Appx. 885 (5th Cir. 2009). Because Cookish does not raise a clerical error in the presentence report, Federal Rule of Criminal Procedure 36 does not apply. See United States v. Poux, 362 Fed. Appx. 49, 50 (11th Cir. 2010).

Conclusion

For the foregoing reasons, the defendant's motion for appropriate relief (document no. 14) is denied.

SO ORDERED.


Joseph A. DiClerico, Jr.
United States District Judge

September 6, 2011

cc: Dennis Cookish, pro se
Jessica C. Brown, Esq.
Arnold H. Huftalen, Esq.